THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6838 of 2006

Dated:19.02.2007

Between:

Sri Muraridas Mundada.

…Petitioner

and

The Commissioner of Endowments and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6838 of 2006

ORDER:

The petitioner was a tenant of the premises bearing No.15-7-222 with appurtenant land admeasuring 160 square yards of Sri Parusuram Mandir at Begumbazar. Action was initiated by the Institution under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), and he was ordered to be evicted. The petitioner then preferred a revision petition under Section 92 of the Act, which stands posted to 24.02.2007. In the meanwhile, the petitioner alleges that he entered into compromise under Section 89 of the Act, as a result of which, the Assistant Commissioner of Endowments sent a letter bearing Rc.No.E/1332/2004, dated 13.05.2005, to the first respondent requesting to accept the compromise at Rs.12,400/- per square yard and invest the amount for the benefit of the religious institution. The petitioner alleges that the compromise was accepted, and the petitioner, the Institution and the concerned Assistant Commissioner, all of them signed the compromise, but when he requested for a copy of the same in connection with the revision petition before the Regional Joint Commissioner, the same was not furnished to him. Therefore, he filed the present Writ Petition seeking a mandamus to furnish a copy of the orders of the Deputy Commissioner.

At the stage of admission itself, a counter affidavit is filed. It is stated that the Assistant Commissioner of Endowments, Hyderabad, addressed a letter dated 20.01.2005 to the effect that the compromise proposal of the petitioner is not acceptable in view of the several objections raised by public, and that the first respondent has not so far passed any orders on the compromise proposals received subsequently. The allegation made by the petitioner that the first respondent passed orders in the presence of the petitioner and others and accepted the compromise is denied.

Learned Counsel for the petitioner vehemently submits that pursuant to the proposal sent by the Assistant Commissioner and also Deputy Commissioner, the first respondent passed orders, which was signed by all concerned. This is specifically denied in the counter affidavit, but no reply affidavit is filed. Be that as it is, the first respondent is yet to pass orders based on the proposals sent by the Assistant Commissioner and Deputy Commissioner, and as the matter is pending before the first respondent, the petitioner may have to await necessary proceedings. The first respondent shall pass orders after considering the entire correspondence within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

19.02.2007
vs